

REMARKS

In the Office Action¹ mailed January 13, 2009, the Examiner rejected claims 1-17 under 35 U.S.C. § 101 as being directed to non-statutory subject matter and rejected claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over "The Philadelphia Inquirer Personal Finance Column" by Jeff Brown ("*Brown*") in view of "J.D. Power and Associates 1998 Credit Cardholder Satisfaction Study Ranks Wal-Mart Master Card from Chase Highest in Customer Satisfaction For Both Basic and Gold Cards" ("*J.D. Power*").

In this Amendment, Applicants amend claims 1, 4, 9, 15, 18, 20, 26, 29, 37 and 43. Claims 1-45 remain pending in this application.

I. Interview

Applicants thank Examiner Maguire for the telephone interview on April 15, 2009. During the interview, the pending claims, the Office Action, and the cited prior art were discussed. The substance of the interview is incorporated into this file. The Examiner agreed that adding "defining a minimum purchase requirement for the credit line sub-account, wherein the minimum purchase requirement comprises at least one of a number of purchases and a value of purchases the customer is required to make using the credit line sub-account" to the independent claims would distinguish the claims from the cited prior art.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

II. Rejections Under 35 U.S.C. §101

The Examiner rejects claims 1-17 under 35 USC § 101 as being directed to non-statutory subject matter. (Office Action at page 2). Although Applicants disagree, Applicants have amended independent claims 1, 9, and 15 to recite “a computer system comprising a processor and a memory” that performs certain features of the invention of these claims. Consequently, these claims are tied to a particular machine.

Accordingly, Applicants request that the Examiner withdraw the rejection of independent claims 1, 9, and 15 and dependent claims 2-8, 10-14, 16, and 17 under 35 U.S.C. § 101.

III. Rejections Under 35 U.S.C. §103(a)

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-45 because a *prima facie* case of obviousness has not been established with respect to these claims.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary

skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. In addition, when "determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

For example, claim 1, as amended, calls for a combination including, "defining, by the computer system, a minimum purchase requirement for the credit line sub-account, wherein the minimum purchase requirement comprises at least one of a number of purchases and a value of purchases the customer is required to make using the credit line sub-account." As agreed by the Examiner, during the interview, *Brown* and *J.D. Power* fail to teach, suggest, or render obvious at least this recitation of claim 1.

Because the cited prior art, taken alone or in combination, fails to teach or suggest each and every claim recitation, there are large differences between the cited art and claim 1, and the Office Action has not established a *prima facie* case of obviousness with respect to independent claim 1, as amended. These large differences demonstrate that the claimed invention as a whole is nonobvious. Consequently, the rejection of claim 1, as amended, is legally deficient and should be withdrawn, and the claim should be allowed.

Independent claims 9, 15, 18, 20, 26, 29, 37 and 43, although of different scope from claim 1, include recitations that are similar to those discussed above with respect to claim 1. Accordingly, for at least reasons similar to those discussed above in

connection with claim 1, the Examiner has not established a *prima facie* case of obviousness in rejecting claims 9, 15, 18, 20, 26, 29, 37 and 43. Therefore, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 103(a) and allow independent claims 9, 15, 18, 20, 26, 29, 37 and 43.

Dependent claims 2-8, 10-14, 16, 17, 19, 21-25, 27, 28, 30-36, 38-42, 44, and 45 depend from claims 1, 9, 15, 18, 20, 26, 29, 37 and 43, and are thus also allowable over *Brown* and *J.D. Power* for at least the same reasons set forth above in connection with independent claims 1, 9, 15, 18, 20, 26, 29, 37 and 43. The dependent claims are also allowable by virtue of reciting additional novel features not taught nor suggested by the cited references. Accordingly, Applicants also respectfully request withdrawal of the rejection of dependent claims 2-8, 10-14, 16, 17, 19, 21-25, 27, 28, 30-36, 38-42, 44, and 45 under 35 U.S.C. § 103(a) and the timely allowance of the claims.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: May 13, 2009

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